

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY, CAMDEN VICINAGE**

ALEXANDER COLE,

Plaintiff,

V.

THOMAS M. NIEDBALA, M.D.;

SOUTH JERSEY RADIOLOGY

ASSOCIATES, P.A. ;

JOHN W. MCGRATH, D.O., and

VERNOSE & MCGRATH

OTOLARYNGOLOGY ASSOCIATES, P.C.,

Defendants.

CIVIL ACTION

NO. 11-4707 (RMB/KMW)

JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2013, upon consideration of Plaintiff's Unopposed Motion for a Reasonable Attorney's Fee on Net Settlement Amount Above Two Million Dollars Pursuant to N.J. Rule 1:21-7(c)(5) and 1:21-7(f), and plaintiff's *in camera* letter brief in support thereof, including the certifications attached thereto, it is hereby ORDERED and DECREED that the Motion is GRANTED. Plaintiff's counsel is entitled to an attorney's fee of one-third (1/3) of the net settlement amount after reimbursement of plaintiff's counsel's costs above two million dollars (\$2,000,000.00).

BY THE COURT:

KAREN M. WILLIAMS, U.S.M.J

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY, CAMDEN VICINAGE**

ALEXANDER COLE,

Plaintiff,

v.

THOMAS M. NIEDBALA, M.D. *et al.*

Defendants.

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CIVIL ACTION

NO. 11-4707 (RMB/KMW)

JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION FOR A REASONABLE ATTORNEY'S FEE
ON NET SETTLEMENT AMOUNT ABOVE TWO MILLION DOLLARS
PURSUANT TO N.J. RULE 1:21-7(c)(5) AND 1:21-7(f)**

Plaintiff Alexander Cole, by and through his undersigned counsel, hereby moves for a reasonable attorney's fee on the net settlement amount above two million dollars (\$2,000,000) pursuant to N.J. Rule 1:21-7(c)(5) and 1:21-7(f). For the reasons set forth in the attached Memorandum of Law, plaintiff hereby requests that the Court enter an Order in the form proposed, providing that Plaintiff's counsel is entitled to an attorney's fee of one-third (1/3) of the net settlement amount after reimbursement of plaintiff's counsel's costs above \$2,000,000.00.

Respectfully submitted,

KLINE & SPECTER

By: s/DAVID J. CAPUTO, ESQUIRE
Attorney for Plaintiff
Liberty View - Suite 540
457 Haddonfield Road,
Cherry Hill, New Jersey 08002
(856) 662-1180
david.caputo@klinespecter.com

Date: July 12, 2013

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY, CAMDEN VICINAGE**

ALEXANDER COLE,

Plaintiff,

v.

THOMAS M. NIEDBALA, M.D. *et al.*

Defendants.

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CIVIL ACTION

NO. 11-4707 (RMB/KMW)

JURY TRIAL DEMANDED

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR A
REASONABLE ATTORNEY'S FEE ON NET SETTLEMENT AMOUNT ABOVE
TWO MILLION DOLLARS PURSUANT TO N.J. RULE 1:21-7(c)(5) AND 1:21-7(f)**

In support of the instant Motion for a Reasonable Attorney's Fee on Net Settlement Amount Above Two Million Dollars Pursuant to N.J. Rule 1:21-7(c)(5) and 1:21-7(f), plaintiff relies upon the *in camera* letter to United States Magistrate Judge Karen M. Williams previously submitted. The letter was submitted *in camera* in accordance with the parties' agreement that the settlement terms are confidential.

Respectfully submitted,

KLINE & SPECTER

By: s/DAVID J. CAPUTO, ESQUIRE
Attorney for Plaintiff
Liberty View - Suite 540
457 Haddonfield Road,
Cherry Hill, New Jersey 08002
(856) 662-1180
david.caputo@klinespecter.com

Date: July 12, 2013

CERTIFICATE OF SERVICE

I, David J. Caputo, Esquire, hereby certify that I caused a true and correct copy of Plaintiff's Motion for a Reasonable Attorney's Fee on Net Settlement Amount Above Two Million Dollars Pursuant to N.J. Rule 1:21-7(c)(5) and 1:21-7(f) to be served via e-mail and via the Court's Electronic Filing System to the following:

James Ronan, Esquire
RONAN, TUZZIO & GIANNONE
One Hovchild Plaza
4000 Route 66
Suite 231
Tinton Falls, NJ 07753

Charles Koernig, Esquire
STAHL & DELAURENTIS, P.C.
10 E. Clements Bridge Road
Runnemede, NJ 08078

Dated: July 12, 2013

s/DAVID J. CAPUTO, ESQUIRE
Attorney for Plaintiff